kg the themselves, and cries of 'That's so.'] If kg would pay it to us for labor none of it would get they would pay it to us for labor none of it would get they would pay it to us for labor none of it would get they so have that there are such its as shiring funds in these matters; and the kings as shiring funds in these matters; and the kings as shiring funds in these matters; and the kings of [Applause]. If they can't give us all work, i cost [Applause]. If they can't give us all work, i cost [Applause]. If they can't give us all work is then give some gargs work for three days, and let them give some gargs work for three days, and let them gut on the sold of us.'], and do not expect any dinner, I will sell you how to get it. There are plenty dinner, I will sell you how to get it. There are plenty dinner, I will sell you how to get it. There are plenty dinner, I will sell you how have no means of getting they was. Now you who have no means of getting they was into some of these places and order everyations of into some of these places and order everyations of into some of these places and order everyations of the you have no means of getting the year. Now you who have no means of getting the you have no money, and let them put you sell them you have no money, and let them put you sell them you have no money, and let them put you sell them you have no money and laughter] Belar also look to them. He exhorted them to be patient and poke to the same effect.

Justice Connolly, who lives in the vicinity, also possible. His advice was not very well received, upossible. His advice was not very well received.

so home, and told them that the authorities would go home, and told them that the authorities would specially. He advice was not very well received. It is possible. His advice was not very well received. The office is guarded by the Central Park police, unter Capt. Montgomery, and any attempt at violence would be attended by unhappy results. Yesterday the Tweltth Ward police took possession of Arsenal, as it was feared the mob might attack it, and possess themselves of the arms. The day passed off quietly,

About 1,000 men are now at work, or engaged to go About 1,000 men are now at work, or engaged to go to work on the Park. It has been decided to employ so more at present; and it is apprehended that this fact will find to some unpleasant domonatrations to-day from those out of work We hope, however that their better judgment will prevail, for such a course could not fall to prove very disastrous to themselves.

MARINE AFFAIRS.

THE NIAGARA.

The United States steam-frigate Niagara may be expected here within three or four days, and, unless otherwise ordered by the Secretary, will lie during the Winter at the Brooklyn Yard, with her telegraphic machinery still on board.

LAUNCH. The steam reverue cutter and relief vessel Harriet lase will be samehed this (Thursday) morning at 102 cocks, from the yard of W. H. Webb, foot of Sixth street, East River. SEIZURE OF THE SCHOONER DR. KANE.

We learn from The Miramichi Gleaner that the American schooner Dr. Kane has been seized at that port for an infringement of the navigation laws, she isring conveyed a cargo of wood to that port from

MURDERED BY INDIANS.—Benjamin Gates of Wilinham started for California last June, by the overind route, and strayed from his party on the 15th of
ley to hunt up his horse, which was lost when he
informately fell in with a small party of Comanche
letans, who gave him signs of friendship. One of
fam, however, enticed him to one side, tomahawked
him, shot several arrows into his body, rifled him and
shim for dead. In a few hours he revived and succeded in crawling back to the road, where he hung
his cost upon a tree and lay down to die. The next
morning a portion of his party esme up, who found
him alive, but past help, and he died in a few hours.
He was about thirty years of age, and leaves a wife
and widowed mother at Wilbrabam. [Springfield Rep.

CITY ITEMS.

THE COUNTY CANVASSERS .- The Board met in the Chamber of the Board of Aldermen on Phursday at 12 o'clock. It proceeded to foot up the returns. This work, with the exception of four Wards, was finished, and the Board adjourned till this morning, when the faoting up will be concluded, and the result an-

AMERICAN GEOGRAPHICAL AND STATISTICAL SO CHIT.—This Society will, in consequence of next Thursday being appointed to be Thanksgiving Day, meet this evening preparatory to the stated meeting for the election of officers on the first Thursday of

THE BALL SEASON -Public amusements feel the effect dise financial pressure, though not to the same extent u the departments of general business, for people tem determined to enjoy the pastimes of the theate and the ball room be the times hard or easy, and are disposed to rel'aquish these luxuries the last. Unlike the theatrical fraternity, the proprietors of the leading bill-rooms in the city have generally reduced their prices in accordance with the requirements of the imes. Accordingly, the falling off in patronage thus is is not disastreus, and in one or two instances the sumber of balls engaged compares favorably with last

The price per night of the City Assemb'y Rooms, the largest ball-room in the city, has been reduced The charge for suppers remain the same. The proprietor states that he has already ist his rooms for as many balls in advance as at the corresponding date last year, lacking two. He seems to think that he will drive quite as brisk a business dwing the present ball season as though the " panic"

At the Apello Rooms, in Broadway, near Canal stree, a material reduction has been made in all the rate of charge. The ball room, which was let last season for \$70 per night, can now be had for \$50. The pice for supper, which has heretofore been 75 cents, is now reduced to 50 cents. The proprietor says he an afford to furnish feed at 50 cen's a head, as provisions in general are cheaper, but he leaves out icecream from the bill of fare. He has engaged his rooms for about sixty balls, to come off during the next three menths and a half, which is a slight falling off from the same period last year.

Mr. Brown of Tammany Hotel prepared his ball from for the Terpsichoreans earlier this season than lut, but the demand for its use was not equal to ex pectation. He has had four balls thus far, but while his room was then engaged for thirty balls in advance it is now let for only twelve.

Mr. Niblo's ball season commences about the close of this month and continues to the middle of March. At present his engagements for future ba'ls fall short of the engagements at this time last year by twenty per cent. His charge for the ball-room per night has been reduced from \$100 to \$75, while the price for

supper tickets is \$1 as before. Ten or twelve balls have already been held at the Chinese Assembly Rooms, in Broadway, between Prince and Spring streets, and we learn that the numter thus far engaged for the Winter is about the same is last year. The price of the ball-room per night is \$50, and has not been changed. Altogether, it appears likely that the dancing public will not consent to be deprived, during the present Season, of its favorite

ammement to any considerable extent

THE PARISH WILL CASE,-Mr. O'Conor on Tuesday night concluded his summing up, which was prosounced by Mr. Cutting to be the most profound and eloquent argument he had over listened to. On Wedresday morning Judge Edmonds commenced speaking in behalf of the two sisters of Mr. Parish, ore of whom is the wife of ex-Judge Sherman. Mr. Edmonds was to have finished at I o'clock, but the Surrogate being taken somewhat ill, the Court adjourned until Thursday morning, when Mr. E. will conclude. Mr. Brady speaks next against the validity of the will, and then Mr. Cutting for the proponents. At the close of Mr. O'Conor's a gument, he proposed to submit a volume of some 560 pages, not only containing scientific opinions of various physiciaes in this city and London on the avidence as taken, but also commerting and analyzing the testimony. This was objected t) and ru'ed out by the Surrogate.

THE CASE OF MR HAMILTON .- Mr. Harry Hamilton, the young man who was conveyed to the Hospital on Monday morning, from the effects of injuries recrived at the hands of Patrick Maroney, a no orious condy, was last evening very low, and the surgeon sted whether he could survive through the night. his mother, einters and an uncle who was very much attached to him, were constantly by his bedside, yes terday, attending to his wants

A SENSIBLE MAN-UNDERSTANDS HIS HONOR THE MAYOR .- One of the unemployed, in writing to his Ward Committee for their intercession in his behalf in precuring employment, concludes his communication as follows:

as follows:

"I have not attended those Park meetings as I could not harmonize with those men in their political opinions, in praising up different men for their coolage toward working men, when I firmly believe that man [the Mayor] has done more harm than he can atone for by all the good works that he may do now (for his earn chieft!" own object).

HOTEL ACCOMMODATIONS IN ALBANT.-Since the close of the session of the last Legislature, no less than five hotels, at which Members used to stop, have gone by the board, viz: the Mansion House, City Hotel, Commercial Hotel, Clinton Hotel, and Marble Pillar; leaving the Stanwix Mall, Congress Hall, Delevan House, American Hotel, and Franklin House, only in existence for the accommodation of Members of the next Legislature, lobby agents, &c., at the approaching sessions.

THE CANCEMI CASE .- The evidence in this case. not differing from that given on the former trial, was finished on Tuesday night at about 10 o'clock. Wednesday was occupied in summing up, the four counsel being limited to two hours each. The Jurg, after nearly four hours' absence, brought in a verdict of GUILTY. The Court will sentence him on Friday.

THE STABBING CASE IN WEST SEVENTEENTH STREET .- Thomas Sherlock, the person arrested, as reported in yesterday's TRIBUNE, for stabbing Mr. Fraser, of No. 176 West Seventeenth street, on Tuesday, was subsequently sent before Justice Davison, who lecked him up to await the result of the unfortunate man's injuries. Mr. Fraser was attacked and stabbed by Sherlock in his own store. The wound, which is in the abdomen, is very serious, and is likely to prove fatal. Mr. Fraser was unable to appear at the Court yesterday.

ARREST OF A BURGLAR .- Yesterday afternoon, as Officer King, one of the detectives attached to the Deputy's office, was strolling down Broadway, on the lockout for pickpockets, he noticed, passing along the opposite sidewalk, Johnny Miller, a notorious burglar, in company with a friend, the friend carrying in his hand a well filled carpet-bag. The officer cantiously crossed the street in the hope of catching Miller, but the burglar was on the lookout, for seeing the officer the burglar was on the lookout, for seeing the officer (whom he well knew) approaching, he fled down Leonard street and escaped into Church street. The companion of the burglar, not being on the lookout, was easily nabbed. As soon as Miller started off, the other followed, but being impeded by his carpst-bag, he was soon overtaken. The prisoner was conveyed to the Deputy Superintendent's office, where he gave his name as Thomas McCoy. Nothing of consequence was found about his person, but upon the carpst bag a complete set of burglars' implements was discovered. The officers turned out saws, files, jimmys, augers, brace and bits, dark lanterns, two or three revolvers heavily charged, and various articles used by voivers heavily charged, and various articles used by burglars. McCoy was detained at the Deputy's office, and will to-day be shown up to all the detective force. The prisoner made a desperate attempt to escape. During the confusion incident to several persons entering the Deputy's office, at the same time he managed to slip down stairs into the street, and had nearly reached Broadway before the officer overtook him.

CURIOUS ROBBERY .- Some few days ago, Messrs. Lathrop, Ludington & Co., of No. 23 Park place, discovered a quantity of goods that had been stolen from the store in the auction rooms of Topping & Co. Upon inquiry, it was ascertained that Mesers. T. & Co. had purchased the goods of a very respectable looking had purchased the goods of a very respectable looking man, who made such representations as led them to believe that there was no fraud in the matter. They further said that the man of whom they purchased the goods frequented the place, and expressed a willingness to point him out. The matter was placed in the hands of Officer King, who finally succeeded in apprehending a man giving his name as Myer Stearn. The accused said that he had purchased the property of a respectable appearing young man, but having no immediate acquaintance with him, could not talk ware he could be found. The officer repaired to Stearn's house, No. 4 Allen street, which he searched, and found concealed in various places property, consisting found concealed in various places property, consisting of silks, satins, velvets, &c., to the value of \$500 or more. The goods, which are supposed to be stolen, were removed to the Deputy's Office, where they can be seen for identification. Mesers, Lathrop, Ladington & Co., could only identify about \$80 worth of the goods. The accused was locked up for examination.

FORGERY .- A young man named George E Chapet, formerly in the employ of Messrs. Conner & Son, type founders, was arrested yes orday, charged with having forged the name of said firm to a sheck by which means he obtained the sum of \$200. The check was dated January 15, 1857, at which time

Chapet was in Conner's employ.

Mr. Wm. C. Conner testified that the check was a Mr. Wm. C. Conner testified that the check was a forgery. Mr. Becj. Mannierre of No. 220 Broadway, testified that he knew the accused, and that he (Chapet) had frequently been to his place in relation to money matters for his employers. That on or about the day the check bears date Chapet came to his place and presented the check. Mr. Mannierre thinking it all right, handed over the money, but upon presenting the check to Messrs. Conner & Son they declared it to be a forgery. The accused was committed by Justice Connolly for examination.

FOUND IN THE WATER.-Coroner Gambie held an inquest at the foot of Morton street, North River, on the body of an unknown man, about 50 years of age, who was found floating in the dock at that place. No marks of violence were to be found on the body, and the Jury rendered a verdict of death by drowning Apparently the deceased had been in the water but apparently the deceased had been in the water but he who who water but he was about 5 feet 74 inches in hight, with gray hair, but no whiskers. His dress consisted of a white mustin shirt, woolen uncershirt, cotton neck-tie, cotton drawers, alpaca pants and vest, black cotto cast and new shoes. It his pockets were found a pair of spectacles, a percil, and a blue and white cotton pocket-handkerchief.

SERIOUS ACCIDENT .- Vesterday evening Mrs. E. Schaffer of No. 61 Ridge street was engaged in filling a lighted camphene lamp, when the fluid took fire, and the flames communicated to the dress of her daughter, three years old, who was dreadfully burned. The father, in attempting to save his child, was also severely burned. Their burne were dressed by Dr. Thomas D. Andrews.

PURDY'S NATIONAL THEATER—THE TEMPLE or Minth and instruction.—The excellent and unusually attractive programmes of entertainment now given at this favorithe Theater, has the desired effect of filling it to overflow. ing every night. This evening, again no less than four highly attractive pieces are to be given—viz: "El Hyder," 'Rebea, and Tories, "Moutrain Syiph," and "Persecuted Dutchman, beside the "American Acrosats," in two separate scenes of their wonderful feats.

A retired Physician, 75 years of age, whose sands of life have nearly run out, discovered, while in the East Indies, a certain cure for Consemption, Asthma, Bronchitis, Coughs, Colde, and General Pebbitty. The remedy was discovered by him when his only child, a daughter, was given up to die. He had heard much of the won-letral restorative and healing qualities of preparations made from the East India Hemp, and the thought occurred to him that he might make a remedy for his child. He studied hard and succeeded in realizing his wishes. His child was cured, and is now alive and well. He has since administered the wonderful remedy to thousands of authorizes in all parts of the world, and he has never failed in making them completely healthy and happy. Wishing to do as much good as possible, he will send to such of his sufficted fellow beings an request it, this recipe, with full and explicit directions for making it up and successfully using it. He requires each applicant to inclose him one shifting—three cents to be inturned as postage on the recipe, and the remainder to be applied to the payment of this advertisement. Address Dr. H. James, No. 19 Grand street, Jersey City, N. J.

OXYGENATED BITTERS is a safe and sure remedy for Dyspepsia, Asthma and general debility. Let all afflicted with any of these painful diseases try the Bitters, and they will be satisfied. It never fails to arrive the worst cases.

BROOKLYN ITEMS.

KINGS COUNTY MILITARY. - From the returns of the Inspector of the 5th brigade, it appears that there are four regiments of uniformed militia in this county, numbering in all 1,852 men.

INDUSTRIAL SCHOOLS -The Managers of the Brook lyn Industrial Schools have made their annual report, formation which it appears they are in a prosperous condition, and are accomplishing much good. The balance sheet shows \$19141 in the hands of the Treasurer.

STRALING A PEDLER'S BOX OF JEWELRY -John and Mary Smith, keepers of a stronery at No 76 North Fourth atrect, were arrested yesterday afternoon charged with stealing

a box of jeweiry valued at \$150 from a p-dier named Jacob Kepler of No. 124 Pitt street, New York. Kepler stopped out to accretain if a bill was good, and upon returning the property was gone, and the accused parties denied all knowledge of it. Officers D. Jacobs, Thinham and Goehen assarched out found the property secreted in the collar. Smith and his wife were committed by Justice Clarry.

NEW-JERSEY ITEMS.

HUDSON COUNTY BIBLE SOCIETY —The fifth anniversary of the Hudson County Bible Society was held restorday afternoon and evening in the First Dutch Reformed Church Jersey City. The business meeting was held in the afternoon at which reports from the Treasurer and Board of Managers were read, indicating the prosperity and usequiases of the Society. In the evening, addresses were delivered by the Rev. J. W. Wilsy of Jersey City, the Rev. Dr. R. K. Rogers of Round Brock, and the Rev. J. H. McNell of the American Bible Society.

Bible Society.

The Essex County Bible Society held its eleventh annual meeting in New York on Tuesday evening. The annual report was read by the Eev M. E. Ellison, and the financial statement by the Rev George Sheldon. The receip a were \$3.331.48. Addresses were delivered by the Rev Dr. G. R. Crooks and the Rev. Dr. S. J. Prime of New York.

THE STREETS IN JERSEY CITY TO BE LIGHTED THE STREETS IN JERSEY CITY TO BE LIGHTED WITH GAS.—A contract for ighting the streets of Jersey City with gas has for a long time been pending between the Common Council and the Jersey City Gas Company but, on account of various disagreements as to terms, it was not perfected until Tuesday evening, at which time the Common Council took the final step necessary to the attainment of the desirable object by adopting the minority report of the Gas Committee. By this cost nat the city is to pay \$2 per 1,000 feet, and \$30 per lamp per summ for cleaning and lighting. Lamp posts to the number of 172 have slready been erected in the city, and this number will be increased as soon as the mains are laid in other streets. The Common Council have directed the removal of the old lamp posts.

BURGLARY.—The house of Mr. Isaac A. Miller, No. 43 Grand street, Jersey City, was entered by burglars on Tuesday night, and robbed of 6.156 worth of wearing appared. No arrests have been made. This is the third time within two years that Mr. Miller has suffered from the violations of burglars, within which period his store in Montgomery street was robbed of goods to the value of several thousand dollars.

A New Benovolent Association —An organization of citizens of Jersey City has recently been effected, under the name of the "St. Vincent de Paul Association," for the purpose of ministering to the wants of the self-ring poor during the coming Winter. The city has been divided into districts, and Committees appointed to collect funds and seek out the needy. Mr. H. L. Richards is President of the Association.

Appointment of Jailon — The Essex County Board of Fresholders, on Tuesday, appointed Mr. Charles G. Ritchie, Chief of Police of Newark, to the position of Warden of the Essex County Jail.

RELIGIOUS.—There are sixty two churches in New RELIGIOUS.—There are sixty-two churches in New ark distributed among the various denominations as follows: Presbyterian, 15; Congregational, 1; Associate Presbyterian, 12; Reformed Dutch, 3; Baptist, 4; Episcopalian, 6; Methodist, 10; Bethel, 1; Universalist, 2; Roman Catholic, 3; Jewish Synagogue, 1; African, 4. There are 16 German churches of which 2 are Presbyterian, 2 Episcopal, 2 Roman Catholic, 1 Methodist, 1 Baptist, 1 Reformed Dutch, and 1 Lutheran.

The Rev. Wan. A Leach, Rector of the St. Barnabas (Episcopal) Church at Roseville has resigned, and his place is temporarily supplied by the Rev. Mr. Nott, formerly Assistant Rector of Grace Church at Orange.

LAW INTELLIGENCE.

KING'S COUNTY SUPREME COURT-Nov. 18.-Before

KING'S COUNTY SUPREME COURT—Nov. 13.—Before the Hon. LUCIEN BIRDSAYE.

THE TWENTY-FIRST SECTION OF THE METROPOLITAN POLICE LAW.

The People of the State of New-York art. Michael Benuett. This is an action brought by the People against Bennett to recover a penalty of \$50 for a violation of the 21st section of the Metropolitan Police law, in exposing for as'e liquor on Sunday. Suit was brought in the City Court against defendant and 300 others. This was made the test suit on an argument on the demurrer to the mode of action, on the ground that the complaint did not conform with the summons, and that the summons was an action for a money demand on the summons was an action for a money demand on contract. By consent of counsel the case was argued before Judge Birdseye on Monday, on motion to set aside the complaint for irregularity, in that it varies from the summons.

Judge Birdseye resterday delivered the following

Judge Birdseye yesterday delivered the following

Motion to set aside the complaint for irregularity, in that it
varies from the summors

The same motion is made in numerous other actions by the
same plaintiffs against other defendants.

BIRDSEYE, J.—In Morehouse agt, Crilley (8 How.,
45) Mr. Justice Barculo held that the Code (§ 149) had abrogated the provisions of the Revused statutes (2 R. S., 452 § 10),
specially authorizing a declaration for offenses against a penal
statute, to aliege the words of and refer to the statute, without
setting forth the special matter. And for this reason he sustained a demurrer to a complaint for the recovery of penalties
for violations of these excise laws, because it did not set forth
specially the facts constituting the cause of action.

But, in the opinion in that case, no reference was had to the
provisions of the 47lat section of the Code. By this section,
the 2d part of the Code (which contains 8 40) was not to affect
alternative catching any statutory provisions relating to actions not
laternative catching any statutory provisions relating to actions not

suits brought by a corporation, a man such corporation, unless the defermant shall have pleaded in abatement or in bar that the plaintiffs are not a corporation (2 R. S. 458, sec. 3).

The same thing has been held in substance in several other cases (See the Bark of Watertown agt. Beltser, 13 How, Pr. R. 27. The Union Mutual Issurance Co. sat. Osgood, 1 Duer 10; Johnson agt. Kemp, 16 How, Pr. B. 165).

I can see no streater repursancy or inconsistency between the provisions of the Code and those of the Revised Statues in respect to the power of declaring for penalties than there is in reference to the provisions as to the method of pleading the existence of corporations.

As was said in 3 Kernan 314, there is no inconsistency or repugnancy in applying the previsions referred to from the Re

pugnancy in applying the previsions referred to from the Re v act Staintes to actions under the Code. There are the same reasons of convenience for it, now which existed under the former system, and it does not condict with any paticular provision of the Code. It, therefore, remains in force.

This method of declaring being still proper, has the proper form of summons been used for the commencement of this action?

form of summons been used for the commencement of this action?

The defendants contend that "whatever be the proper form "of complaint, the action is not an action arising on contract," within the meaning of Sub. I of Sec. 179 of the Code; that an application for the relief demanded in the complaint, must be made before the plaintiff can obtain judgment, and therefore a notice to such effect should have been included in the summons. The position is clearly correct, if the terms here ned to divide all civil actions into two classes are intended to distinguish actions arising on express contract for the payment of money only from all others, I know of no authority for such a construction; nor do I see any good reason for adopting it. Whenever, upon a given state of facts, the law before the Code by implication raised a contract between the parties, and gave the means of enforcing it by an action in form at contracts. I think the same remedy must still exist. The plaintin whose clatticls have been taken by force or fraud, may still elect to waits the upon the liability which the law imposes, to pay a fair and just equivalent for the property taken.

So a party who has been such for the provery of unliquidated damage arising out of a tort committed by him, as soon as the fact of his liability has been established and the extent of it determined by trial and judgment is now liable, as before the code, to an action in form at contracts upon the judgment, not because there is any express contract to pay by a judgment pay a definite sum of more; imposed on the defendant.

The same considerations which allowed the actions of assumption debt, the because there is any express contract to pay by a judgment facts of the case, without regard to the form of the action, apply to the case now before the case, without regard to the form of the action, apply to the case now before the case, the has an action in form at contracts and the same relief under the present system, upon a statement of the same relief under the present sy The defendants contend that "whatever be the proper form

to me person injuree, for whose protection has stated war signed, arises on contract, especially when this test is applied simply with reference to the form of proceeding, and with a view to the obtaining of the remedy, and in a matter exclusively of statutory cognizance.

The substantial correctness of this view is evident from the uniform manner of collecting such penalties adapt d in the English law. This uniformity was so great that it was a part of the definition of the action of obtain in all books of practice and plesding, that the action of obtains for the recovery of a specific sum of money due of both pay for the recovery of a specific or writing, or der scal; as on judgments and recognizances of Couris of Record, on statutes for the recovery of penalties and for fitures on lards. Ac. (See i Tidd's Pr. 4: I Burthi's Pr. 4. I Couris of Record, on statutes for the recovery of penalties and for fitures on lards. Ac. (See i Tidd's Pr. 4: I Burthi's Pr. 74. I Ch Pl. 123, 12'-8; f Baccon's Abr. Debt A. 3 com.; Dig. Debt. A. I.)

Thus it was said (Rei. Cabd 598), if an act of purliament gives a penalty and coes not say to whom, nor by what action it shall be recovered, an action of debt lies upon such statute by the party grieved. The same point is stated in 2d Bacon's Abv. Title Debt A. cling the same authority, and adding "and which is new the common practice." (See also, 2d Strange, 828).

It has been often beid in this State that when no particular

which is new the common practice. (See also, as stronge, 223)

It has been often held in this State that when no particular

It has been often held in this State that when no particular mode was precribed for the recovery of a penalty given by statute, debt was the appropriate action (15 Would 184; 5 Johns 175).

Three and many other authorities which might be olted, sufficiently show that it is no mere fiction of law by which the action of celt was made the usual and proper method for collecting forfeiture and penalties. One of the cases cited throws much light upon the gradual manner in which the common action of debt, in the Civil Courts, grow into use for this pur-

section of debt, in the civil Courts, grow into use for this purpose.

In the Kirg vs Maliand 2nd Ste. 828 (2 Geo. 24) which was an
indictinent for the violation of a statute by an act up in which a
morey penalty was imposed, it was he debt in the crown
and enable for in Courts of revenue and not by indictinent.

Where the distinction between the Courts for the collection of
the King's revenue and the other Courts was practically abolished, the same form of action was adopted in the other Courts of
law in England. In this other that distinction had never existed.

Both, as has been sirredly dated, the legal liability to pay the pensity was always treated by our Courts as amounting to contract to pay it.

Such is Ir may judgment, still the rais of law, notwithsts do not the charge in the forms of procedure lateratured by the Code. And, therefore, when the completing avera, as it does in this case, that the definition has committed the acts which fit upon him the easil duty of paying the prescribed consity, and test by reason thereof he is indebted to the plainting in the amount of the pensity, and an action has accound to the plainting in the amount of the pensity, and an action has accound to the plainting on contract." within the eneming of section 120 of the Code. The firm of some one adopted is therefore the proper one, and the objection to it must be overruied.

Although nothing was said at the argument upon that subject, it may be proposly added here that I see nothing in the provisions of the Code as to arrest and bail (\$170) or as to the entry of judgment upon failure to answer (\$230), leading to a different conclusion.

The def-indant's motion must be denied, but without costs, the question being new and of such a character as to warrant the application to the Court.

J. G. Schumaker, District-Attorney, for the people, and H. A. Moore, E. D. Lewis, R. C. Underhill, and others, for definicant

SUPREME COURT - SPECIAL TERM-Nor. 18.-Before

In the matter of Mrs. Ann Moore, an alleged lunarie.—Order to be entered confirming the report, and denying the application to discharge the lunatic.

UNITED STATES DISTRICT COURT-Nov. 18.—Before
The summing up in the Panchits case was fluished to day and the case submitted. The calendar will be taken up to morrow.

BROOKLYN CITY COURT—Nov. 12.—Before Judge Cutvers

Cutvers

Catharine Herbert and George Herbert agt. Patrick McCarthy. This is an action for seduction under promise of marriage, and the damages are laid at \$1,000. The suit is brought by the mother and step-father of Miss Josephine Vallot, who, as alleged was seduced by McCarthy. The defendant boarded with plaintiffs, and paid attentions to the daughter, and having ancested in his designs, left her to take care of herself, and married another. A child was born to the daughter, which subsequently died. The plaintiffs gave their testimony is the case, according to the new rule. The defendant was unable to be present, in consequence of an accident which recently befel him. The case was concluded and given to the Jury, who, being unable to agree, on the rising of the Court were directed to bring in a scaled verdict this morning.

ble to agree, on the rising of the Court were directed to bring in a scaled verdict this morning.

COURT OF GENERAL SESSIONS—Nov. 14.—Before Judge Exsert.

Shortly after the opening of Court this morning, Peter Reinhardt approached the bar and pleaded guilty to grand larceny. He was sent to the State Prison for two years.

Juhn A. Dunn and Andrew Reibee, indic'ed for grand larceny, pleaded guilty to petit larceny, and judgment was acapended, with the observation from the Court, if again arraigned they would not only be certainly punished to the extent of the law on that, but also on the present judgment.

James Davenport, indicted for forgery in the second degree (passing counterfeit money), was then placed upon trial. The accused was charged with having offered a \$40 counterfeit bill on the Bank of Gloucester, Mass, knowing it to be counterfeit, on the 25 h of October last, upom Wen K. Peyster, No. 264 Bowery. But the presention failed fully to identify the bill alleged to have been fraudulently offered, and therefore adamdoned the case for the people. The Court remailed to the Jury in their seats returned immediately a formal verdict of "Not Guilty." The accused is but 22 years old, and is rather an intersting-looking young man. He claimed to have got the bill he was charged with having offered in a dagnerrectype office in Philadelphia.

Ec ward Peyster, indicted for forgery in the second

redict of "Not Guility." The accused is but 22 years old, and is rather an intersting-looking young man. He claimed to have got the bill he was charged with having offered in a daguerrectype office in Philadelphia.

Exward Peyster, indicted for forgery in the second degree, pleaded guilty to forgery in the fourth degree, and was sent to the State Prison for two years.

Beptile Boulet Freechman, indicted for grand lareary, for feloniously taking on or about the 13th of October last \$1,100, the property of Wm. Thompson, doing business at No. 21s Water street, was then placed at the bar. Mr. Thompson testified that on the day aforesaid he had in his pocket book in his pocket \$19.50 in money, a cheek on the Market Bank for \$100, and acceptance is the sum of \$1,000. There were other papers in his pocket blook, on which the witness's name was written; witness'fet his clace of oursiness in Water street about Illy o'clock a m on the above day, and then had the property in question in his pocket; it was in the skirt of his cost pocket; the pocket was deep and there was nothing cleen it. Witness passed from Water street to Beckman sheet, stopped a moment, based thence down Pearl to wall street, and there missed the pocket book and its contents; witness had not to his knowledge seen the defendant on that day; he passed through small knots of people on his way to Hanover street; he saw part of the property again at the Tombs on the 16th of October following; he saw the acceptance there, but not the cleck of the money. Alexander H. Thompson, brother of the foregoing witness, saw the acceptance seed on the evening of the 18th of October in a larger-beer ashoon at No. 26 Chatham street in the possession of the prisoner. Prisance exhibited it and offered to sell it to witness for \$415 and a gold watch. The prisoner also exhibited the loat check here to the witness. Offere Pield was present at the time and took the accused into immediate custody and marched him to the Station-House the Park on the deep defendent was the recover

months

John Mullins, indicted for grand largeny, in taking from the pecket of James McClusky #45 in gold, on the 24th of October last, at the saloon of the accused in Washington street, was then put on his trial. The principal witness for the prosecution was McClusky himself, an Irish laborer, and his testiwas then put on his rish. The principal witness for the pronecution was McClusky himself, an Irish laborer, and his testimory was essentially weakened by his own confession that he
had be en drinking freely at the time. The evidence for the deferse, on the other band adduced a state of facts quite incompatible with the guilt of the accused. The whole controvery
was Irish throughout, and, in all its aspects, rounded with a decided Milesian accent. The Cou t charged unequivously in faver of the prisener, and the Jury, in their seats, unhesitatingly
acquitted him.

Charles Cuelley pleaded guilty to petit larceny, and
was sent to the Pennentiary for alx monies.

Peter Hager, a shoemaker residing in the Sixteenth Ward, was placed on trial for manelaughter, in baving caused the death of Augusts Eager. The prisoner sometimes practices as a plysician, having somewhat of a reputation as such among the German residents of his vicinity. The child was sick, and the parents were advised to employ Hager. He was sent for, and prescribed ten drops of lausanum which had the effect of throwing the child into a stuper, from which it did not recover. The Coroner's Jury presented the case as one of malpractice, and the prisoner was indicted for manelaughter. After the examination of several witnesses the case was given to the Jury, who returned a verdict of not quity, they being unable to decide from the evidence whether he child died of convulsions or from the evidence whether he child died of convulsions or from the feets of the drug administered.

Charles Hampsen pleaded not guilty to the charge of parsing counterfeit money, and the trial was postponed until the real term of the Court, on the ground of the absence of a material with ess.

U. S. DISTRICT COURT.—Nos. 31, 46, 48, 17, 37, 8, 21, 14, 27, 6, 33, 40, 7, 42, 44, 47.

SUPERIOR COURT.—Trial Term.—Nos. 645, 665, 669, 647, 680, 628, 684, 482, 688, 684, 762, 703, 714, 713, 178, 1867, 712, 709, 717, 718, 719, 720, 721, 722, 723, 726, 727 SUPREME COURT-CIRCUIT - Nos. 1293, 214, 47, 1621, 245, 2 6, 546, 517, 518, 51, 1680, 224, 544, 5394,
BROOKLYN CLITY COURT.—Nos. 27, 25, 31, 32, 34, 57, 44, 44, 45, 47, 49, 50, 52, 53, 57, 53, 59, 50, 63, 64
KIMOS COUNTY CIRCUIT COURT.—Nos. 18, 41, 43, 46, 47, 48, 49, 20, 52, 53, 54, 55, 56, 57, 58, 29, 60, 62, 63.

MARRIED.
TAYLOR-HANSEN-A: Goths, Germany, on Tuesday, Oct. 27, in the Court Chapel, by the Rev. Dr. Carl Schwartz-claplain to the Grand Duke, Mr. Bayard Taylor of New-York,

clapiain to the Grand Duke, Mr. Bayard Taylor of New-York, to Miss Marie Hansen of Goths,

GLASSER-CLINE—O: Sinday, Nov. 15, by the Rev. C. C. Norten Francis Glasser to Sarah F. Cline, both of this city.

Biltimore and Washington papers please capy.

KITCHING—ESTLING—At Southbridge, Mass, on Monday, Nov. 9, by the Rev. S. S. Farker, Robert N. Kitching to Miss.

Theodesia M. Estling, both of this city.

MOODY—BRAINE—On Tuesday, Nov. 17, at the Church of the Ascension, by the Rev. G. T. Bedell, D. D., Mr. J. T. Wentworth Moody, of Yarmonta, N. S., to Janette, daughter of the late Janes H. Biane, of this city.

LaBARTE—GILBERT—At Carkill, N. Y., on Monday, Nov. 16, at the residence of the bilde's parents, by the Rev. Mr. B. Labarte of New-York, to Miss Mary F. Gibert, of the former place.

Howard, Mr. A. D. Laborte of Archiverson, Mr. B. D. Laborte of the former place.

PARKE R-CCNACHER-On Thursday, Nov. 13 in the Baptist Church West Twenty-fifth street by the Rev A. H. Wright, Iesac Parker, eeq. to Miss Euphemis M. Conscher, both of this city.

Be-frat, London and Birmingham papers please copy.

DIED.

BBINSDON-At Havana, on Sunfay, Nov. 1, Mary, wife of John Britadon etq. C. E. and Engineer to the Havana, Cubana and Cardenae das Companies, aged 39 years. FARRELL-At No. 152 East Twenty-second street, on Tues cay, Nov. 17, Edward Ferrell, in the 35th year of his 450.

FERRALL—On Tuesday, Nov. 17, at 11½ c' lock, of disease, the heart, Michael son of John and Mary Ferrali, of Wi Famsburgh, Long Liand, aged 16 years, 8 months and 7 day FRANCIS—At No. 36 Myrtie avenue Brooklyn, on Tuesday, Nov. 17. John Francis infant son of John and Labella Francis Nov. 17. John Francis infant son of John Suchas.

GILDERSLEEVE—In Brocklyn, on Tuesiay, Nov. 17 Mrs.
Aca J, wife of John W. Gildersleeve, and Zaughter of
Thomas and Mary E. Longhirg, aged 19 years and it months.

Themas and Mary E. Longkir g, aged 19 years and 11 months.

IEFLAND—At No. 5 Hudson place, Hoboten, on Tuesday,
Nov. 17, Chailes E. A., infant son of John and Margaret A.

Ircland, aged 11 months and 17 days.

LENT—On Tuesday evening, Nov. 17, William C. Lent, in the
Soft by sar of his age.

The hierds of the deceased, and of his brothers Samuel, Joseph, Charles and Abraham Lent and of his prothers in law.

G E Mulford and William Greenlesd, are invited to attend
the funeral at No. 25 Tompkins street, corner of Rivington
sheet, on Thursday, Nov. 19, at 1 p. m.

MARTIN—On Tuesday, Nov. 17, John, youngest son of the

MARTIN-On Tuesday, Nov. 17, John, youngest son of the late Charles G. Martin, aged 4 years iate Charles G. Martin, aged 4 years

MONAGHAN—On Tuesday, Nov. 17, 1837. Joseph Thomas
Monaghan, infant son of Joseph and Alice Monaghan, aged 11
ments and 17 days

NICOL—A: No. 118 East Leventy-seventh street, on Monday,
Nov. 16 Mr. Robert Nicol, a native of Roxboroughshire,
Scatland, aged 64 years.

RIECKS—In Brooklyn, on Monday, Nov. 16, 1857. Mathilde
Acquest, infant dampher of C. W. and Mathilde A. Riecks,
aged 1 year, 2 months and 25 days.

SMITH—At No. 162 West Tairty-sixth street, on Tocsday,
Nov. 17, Catherine, widow of the late John W. Smith, late of
Warwick, Orange County, N. Y., in the EM year of her age.

ThoLLY—At No. 24 Learens street, on Teseday, Nov. 17, Mary Jone Tholly, only child of Thomas and Isabella Tholly, aged I yes and 19 days.

THOMPSON—In this city, Therday, Nov. 17, Henrichte R., wite of Frederick C Thompson, in the 29th year of her age.

VINCINT—At No. 13 West Tenth street, on Monday, Nov. 18, of convulsions, Joseph M. Vincint, son of George and Emma Vincint, aged I year, I month and 14 days.

WARDLE—On Tureday Nov. 17, Mr. Thomas Wardle, in the first year of his age.

a luggering disease, of chronic steparitis and ascites, Ann Jane wife of Dr. Wilson, a native of Monaghan, County Monaghan Irejand, aged 42 vers

Sales at the Stock Exchange ... Nov. 18.

COMMERCIAL MATTERS.

11,000 do 79 10 do 23
1,000 do 79 100 do 22
2,000 do 70 100 do 22
2,000 N. Y. Stato 6s 1872 103
2,000 N. Y. Cent. BR. 7s. 162
3,000 Eric Gonv. Bda. 71, 36
4,000 Eric Gonv. Bda. 71, 36
4,000 Hudson Riv 2d Mtg. 861
3,000 Hudson Riv 2d Mtg. 861
3,000 Harliem R. 1st Mtge. 71
3,000 Harliem R. 1st Mtge. 71
3,000 do 153
4,000 do 153
4,0 260 Clev. and Pitta RR ... 10 Mill. & Miss. R R...

30 18 375 530 184 10 do. 3 184 280 do. 50 151 106 do. 50 151 106 do. 50 151 106 do. 50 151 106 do.

The Stock Board was again the scene of great exci ement to-day, and the transactions were immense. A natural reaction fellowed the rapid rise of yesterday, and the day before the market being oversupplied with not seem to have bee passed upon in any other case. Addit may be properly treated as a new question, the consideration of it in Mornbouse vs. Crisley being manifestly incomplete. It has, however, been held in numerone cases that other provisions of the excepted parts of the Revised Statutes are saved by this 47th section of the Court of the provision are quite as inconsistent with the Gode as an those which give the short form of declaring in suits for penalties and forfatures.

Thus in the Bank of Genesee art. The Patchin Bank (3 Rev. 3i3), the Court of Appeals held that the Code had not repealed that provisien of the Revised Statute which declares that in suits brought by a corporation, unless it he defended in the control of the court of the prison of the pri buyers at the decline, and were bidding fall prices after the adjournment of the Second Board. At the Second Board the market was very heavy in some descriptions, but a better feeling was manifested toward the close, and after the Board there was a strong rally, with a recovery of 2 P cent in Certral, 1 P cent i Erie, and 2 in Southern Michigan. The foreign advices, which were known in the Board about 11 o'c cck, had an unfavorable influence, but the main reason of the fall was undoubtedly the rapid and great advance of yesterday and Monday, which brought out considerable parcels of stock. After these were placed the market naturally rallied. After the Board there was but little done excepting in Central, Erie, Reading, and Michigan Southern. Central opened this morning at 791, fell off to 771, and closed at 80 bid a decline of | 1 cent on yesterday. Erie went from 19 yesterday afternoon to 17, but closed steady at 18. The subscriptions to the loan proceed slowly, but the Company continue to struggle through from day to day. The unsecured bondhelders do not appear to appreciate the necessity of action to save their properry. In Reading the market opened at 46, against 461 yesterday, fell off to 43, but recovered to 45. There was a good demand at the close for Michigan Southern, which left off at 221, after being 21. The affairs of this Company are being put in better shape by settlements with the creditors, who are taking the new bords for their debts. Mr Jarvis, the President, who spends reasly all his time on the line of the road, has introduced a rigid system of economy is the w rking of the road and the receipts keep up as well as could be expected under the general depression of business at the West. Several considerable blocks of Stock which were over the market have been distributed within a few days. The heaviest fall of the day was in La Crosse, which sold cown to 10, having closed at 17 seeterday. Toleco fell off 3 P cent; Galena, 11 P cent; Michigan Central, 3 & cent; Milwankes and Mississippi, 4 & cent; Illinois Central, 2 & cent; Panama, 2 P cent; Pacific Steamship, 1 P cent, &c. The decline in Cumberland was 21 P cent. The floating debt of this Company is about \$85,000, and a party of Beston capitalists have proposed to advance the Company money enough to pay it off. The de-mand for Cumber and Coalisnow increasing, and its use on railroads and for othersteam purposes is rapidly exterding. Rock Island fell off | P cent. This Company has now no floating cebt, having paid it off from earnings. The earnings for the first two weeks of November show a falling off of about \$9,000, which is very favorable, as compared with other Western Roads. The business in Bonds reached \$166,000, with generally less reaction than was shown in the shares. Idinois Central Bonds, however, fell off 2 P cent Misseuri 6s were be ter under the action of the Legislature, and advanced to 80, closing at 79. Bank

Stocks were in demand, and firm. In foreign Excharge there is but little doing, a d a se are unchanged.

Freights are lower To Liverpool, 100 tes Beef at 6e 6d., per steamer; 4,500 bbls. Flour at 1s 9d. 22s.; 10,000 Staves at 30s; 45 000 bushels Grain at 8d. a 81d ; 200 bales Cotton at 5-32d.; 40 nuts Brazil Nuts at 25e ; 1,900 boxes Cheere at 25s. a 27e, 6d.; 500 do. by etesmer at 45s; 1,900 bbls. Reein at 2s. 6d; 70 tune Sait Cake at 20s. fd.; 50 tune Oil Cake at 26s.

To Leeden, 125 tos. Beef at 6a.; 400 boxes Choese at Sa ; 50 tes. Rice at 27s. 6d ; 8,000 bushels Wheat on private terms. To Glargow, 2,500 bbls. Plour at 2s. id ; 4,000 bashels Grain at 10d. A Spanish bark to

Cadiz, with Staves, on private terms.

The business of the Sub-Treasury was: Receipts, \$163,670 56, including \$61,000 from Customs; Payment \$257 847 94 including \$55,000 California Draftes

Balance, \$4,992 564 64.

Ezra Ludlow, jr., & Co. will be d a sale of securities

at the Merchants' Exchange, at 12 o'clock, to-morrow

(Thursday).

Albert H. Nicolay's regular semi-weekly suction sale of stocks and bonds will take place to morrow (Ttureday), at 12 j o'clock, at the Merchante' Exchange.
Simeon Draper will hold a special sale of stocks and bends to-morrow (Thursday), at 12 o'clock, at the Merchants' Exchange.

Adrian H. Muller will hold a special sale to-morro

ot 12 o'clock, at the Merchants' Exchange, of \$161,000 Michigan Southern and Northern Indiana, and \$141,000 of Detroit, Monroe and Toledo Railroad bonds.

The following sales were made at auction to-day by

S. Draper: S. Draper:

43,600 City of Memphis 5a, interest added.

5,600 Milwankee and Detroit Railroad 5a, interest added.

5,100 Missouri 6a, interest added.

6,200 Lauisiam 5a, interest added.

6,200 La Crosse and Milwankee Railroad 7a, int. added.

16 shares American Exchange Bank.

15 shares Importers and Traders Bank.

10 shares Phentz Bank.

10 shares Fulton Fire Insurance Company.

20 shares Fulton Fire Insurance Company.

Also, by Adrian H. Muller:

Also, by Albert H. Nicolay:

The business of the Clearing-House to-day wa

\$13,439,200. The transactions show a gradual in crease of business in our community.

The stockholders, bondholders, creditors, and all others interested in the Delaware, Lackswanns and Western Railread Company are urgently requested to meet at the Mercantile Library on Monday evening next, the 23d inst. The time for arranging the affairs

of this Company is now becoming very short. The of this Company is now becoming very short. The Committee say:

"The Committee will continue their efforts, being determined that nothing shall be wanting on their part to secure success; but they can accompash nothing unless their calls are responded to by those interest. If they will not come forward to save their property, it must be lost, viz., stock and unsecured debt; for the Committee can see no other mode of preventing the Road from going into the hands of boxdholders, and that very soon, because on the Let December, proximo, they will have the right to commence proceedings to foreclose."

The annexed subscription paper is being circulated among those interested. It embodies the plan alluded to a few days since for relieving the Company named

from its embarrassments, and requires the immediate attention of the Bondholders and Creditors:

"Whereas, The Toledo, Wabash and Western Railroad Company, duly organized under the laws of the States of Ohio and Irdians, by the consolidation of the Toledo and Illinois Railroad Company, and the Lake Erie, Wabash and St. Louis Railroad Company, and the Lake Erie, Wabash and St. Louis Railroad Company. the Toledo and Illinois Railroad Company, and the Lake Erie, Wabash and St. Louis Railroad Company, has become embarrassed, and unable to pay its debte as they nature; And whereas, there are liess by mortgages on the property of the said Company, which create various and cordicting claims; And whereas, its is the desire of all parties interested in said Company to release it from embarrassment and litigation, by the reduction, funding and payment of its debts, and the surrender of a portion of its Capital Stock; Now, therefore, we, the undersigned, Bondholders, Creditors and Stockholders of the said Company, severally holding the interest described opposite our respective names, for and in consideration of the promises and stipulations herein contained, mutually made by the undersigned to each other and to the said Company, do hereby promise to comply with, and on our respective parts perform the following stipulations and agreements:

hereby promise to comply with, and on our respects parts perform the following stipulations and agreements:

"First: We, the holders of the First Mortgage Bonds of the Toledo and Illinois Railroad Company, or of the Lake Erie, Wabash and St. Louis Railroad Company, agree to fund one year's interest on said bords, represented by the coupons due on the 1st day of August, 1858, and to become due on the 1st day of August, 1857; and we, the holders of the Second Mortgage Bonds of said Companies, agree to fund one year and six months' interest thereon, represented by the coupons due on the 1st day of May, 1857, and the 1st day of November, 1857, and those to become due on the 1st day of May, 1858; and take therefor at par the rotes or bonds of the Company, payable in three, four, five, six and seven years from the 1st day of November, 1857, with interest at the rate of 7 4° cent 4° annum, payable sent-annually; the coupons so funded to be deposited with and held by a trustee as security for the payment of the said notes or bonds.

"Second: We, the holders of the Real Estate Bonds of said Companies, agree to surrender them, and receive in lieu thereof fifty per cent of the amount thereof and the unpaid interest to the 1st of December, 1857, in the Capital Stock of the Company.

"Third: We, the holders of the Incume Bonds of said Companies, agree to surrender them, and receive in lieu thereof forty per cent of the amount thereof; in the Capital Stock of the Company.

said Companies, agree to surrender them, and receive in lieu thereof forty per cent of the amount thereot, in the Capital Stock of the Company.

"Fourth: We, the other creditors of the Company, agree to surrender our respective claims, and receive in lieu thereof Praferred Stock of the Company, at par, exhilled to a dividend of seven per cent per arrum.

"Fifth: We, the Stockholders of the Company, agree to surrender and cancel seventy-five per cent of the amount of Stock held by each of us.

"Sixth: In the event of the inability to obtain the general consent of the creditors of the Company to this extrement, we, the holders of the Company to this extrement, we, the holders of the Second Mortgage Bonds, agree, in case of a foreclosure of the noring ges given to secure said bonds, and a sale of the read and the purchase thereof on such foreclosure, by us, or on our behelf, to extend to such creditors of the Company as shall subscribe hereto, the spirit of the segreement in the reissue of new Second Mortgage Bonds, to the amount of the Second Mortgage Bonds subscribed hereto, and the additional cost of the read on such sale, and to issue stock to the subscribers to this agreement in accordance with the provisions between it have the interior of the parties hereto to this agreement in accordance with the provisions hereof; it being the intent of the parties hereto to carry cut the true spirit of this agreement to all the subscribers hereto, upon the like position and terms as if all the creditors and stockholders subscribed hereto, and corsummated this agreement without such fore-

closure and sale.
"Seventh.—The Toledo, Wabash and Western Rail-

"Seventh.—The Totedo, Washan and Western Ran-read Company hereby agree to carry out the foregoing stipulations on the part of the Company.

"Provided, That this Agreement shall not be binding upon the parties hereto unless the same can and shall be carried out and perfected, either by the general consent of parties interested, or by the aid of a Court of Law, should it become necessary to invoke the aid

of such Court.

"The experses necessary to be incurred in carrying out this arrangement to be paid from the earnings of "The foregoing Agreement to be open for subscrip

for by the parties interested until the 15th day at usry Er At.
" Dated November, 1817."
The meeting of bank officers to day at the Clearing-

House resulted in no important action. The Metro politan Bark reported that they should to-morrow recount. Every bank in the State will be received which has not heretofore been thrown out. Only three or feur banks have not responded to the wishes of the city banks, and even these will, for the present, te taker. The subject of specie resumption was not b ought up and may be considered as at rest for some

weeks at least. Tre demand for Gold is very light, and the brokers have put the buying rate down to 20a, premium on the The Niegara brings \$500,000, and we understand that the various expresses to day brought from the interior \$700,000 or \$900,000—such is the searcity of excharge on New York. The rates of exchange on various points are easier-Pailadelphia, 24; Baltimere, 3|24; Cincinnati, 2]; Rhode Island. 5

The steamer from Boston to-day took out \$176,000 in Gold.

The advices by the Nisgara indicate an incres the crisis in England. The continued export of gold hes forced the Bank to advance the rate of interest to P cent, and it will doubtless advance to 10 F cent. We think the ra e was never before above 8 F cent. Even this rate, however, would scarcely justify a de-cire of 2 V cent in Consols. The failure of Mosers. Neylor, Vicar & Co., was not entirely unexpected. Trey are cre of the oldert houses in the trade, and are widely extended in this country, having branches in